

REMARKS

Claims 2, 3, 6, 10, 11, and 15, 16, 18, and 20 will be pending in the application after the Examiner enters the forgoing amendment.

The Examiner rejected claims 6, 11, and 16 under § 112, alleging that these claims lack clarity. The Examiner rejected claims 2-3, 6, 10-11, and 15-20 under 35 U.S.C. § 103 as being as being unpatentable U.S. Patent 6,504,908 to Bellomo in view of U.S. Patent 5,764,760 to Grandbert.

Applicants have amended claims 6, 11, and 16, and cancelled claims 17 and 19.

Applicants respectfully submit that the pending claims, as amended, are patentable over the art of record, and otherwise comply with the statutes and regulations.

Bellomo discloses a personal emergency response system having a home communicator with fully integrated capabilities to provide messages and reminders on a timed basis for the well being, safety and comfort of the subscriber as well as providing the emergency response capabilities of present systems. The invention may be embodied in a small tabletop device which can include a speakerphone and other telephone functions and which is plugged into the telephone line at the subscriber's home or other facility. The unit includes microprocessor-based circuitry including an internal clock and data storage for containing control and message information. The invention serves as an interactive attendant for the subscriber by which the subscriber can have an increased sense of security in the ability to summon help in the event of an emergency, and in being provided with timely reminders in the course of daily activities. Bellomo Abstract.

A RESET key 60 is provided which ... is used to hear the stored message once the reminder has initiated. Bellomo col. 2, lines 59-63.

The SETUP key 40 is used for setting up or programming personal reminders. The personal reminders can be programmed locally by use of the numeric keypad 30 or can be done remotely via the phone, such as from a caregiver's home, a doctor's office, or other remote locations. Reminders can be programmed to play once a day (daily), once a week (weekly) or to play only once. Bellomo col. 2, line 64-col. 3, line 3.

The reminder can be recorded in the user's own voice ... The reminder could

alternatively be recorded in the voice of a relative or caregiver ... The reminders are stored locally in the reminder phone, thus the reminder will still occur even if the phone line becomes inactive. The reminder phone could be realized as a wireless phone or as a cellular phone. Bellomo col. 3, lines 16-27.

Referring now to FIGS. 3A and 3B, a flow chart for the process 300 for the playback of reminders is shown. At a first step 302 a check is determined if any reminders are due. If no reminders are currently due, then the determination is repeated until a reminder is due. Once a reminder is due ... At step 307, a determination is made if the reset button has been pressed... Referring back to step 307, if the reset button is pressed, then the current reminder is played... Bellomo col. 5, line 53-col. 6, line 19.

Grandbert discloses a telephone set comprising: a main body (10) on which a keypad (4) is provided, a rotating cover (12) intended to conceal the keypad (4). Grandbert Abstract.

In contrast to the art of record, each of claims 16, 2, 3 and as amended, and 18 recites a portable apparatus comprising a housing including a first face oriented in a first direction, and a second face located opposite the first face, the second face oriented in a direction opposite the first direction, wherein the apparatus is configured to store a voice message, using a signal received from the microphone on the second face, store a date and time, and associate the date and time with the voice message, responsive to activation of the set of buttons on the second face; emit an audio signal at the stored date and time, responsive to the clock; and subsequently send the voice message to the speaker on the first face, responsive to activation of the button on the first face. (Base claim 16). Even if “wireless and cellular phones were old and well-known to have multiple arrangements of buttons and screens on two faces,”¹ no reasonable combination of the art of record would have suggested Applicants’ portable device recited in claim 16, including the seemingly non-functional arrangement of microphone and speaker on the recited oppositely oriented faces of the housing.

In effect, because the telephone of Grandbert would not operate if modified to have the microphone-speaker interrelation recited in claim 16, Grandbert teaches away from such a modification. See *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (finding no suggestion to modify a prior art device where the modification would render the device inoperable for its intended purpose).

Thus, claim 16 is patentable for the reasons given above alone.

Furthermore, Applicants note that the “[p]resence of a property not possessed by the prior art is evidence of nonobviousness.” U.S. Manual of Patent Examining Procedure 716.02 (b) III. In this regard, claim 16 has functions and results that are neither disclosed nor suggested by the prior art. The structure respectively distributed on claim 16’s recited first face and second face, allow

- the first face to be adapted for issuance of the message to the person to whom it is intended, and
- the second face to be adapted for recording the message and the issuance time of the

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message by a person who can be that person who will receive the message or another person.

The second case, i.e. the person recording the message is not the same as the person targeted by the message, is important. It addresses situations where someone takes care of an assisted person, typically an old person and/or a person having memory deficiencies. As a result of the specific distribution of the technical structure on two faces, the assisted person only has to know about the first face, which can be very simple. The second face is only for the caring person.

The cited documents, especially the two combined by the Examiner, disclose or suggest neither the problem nor the solution including a specific distribution of structure on two faces.

Although the Examiner stated that cellular phones with multiple arrangements of buttons and screens on two faces are old and well known, Applicants respectfully note that the prior art lacks a suggestion of:

- i) the specific distribution of structure according to the claim 16,
- ii) in combination with the specific functions claimed which result in a message recorded on the apparatus with a time is then issued by the apparatus at said time upon a preliminary alert followed by actuation of a button.

Even if cellular phones with arrangements of screen and buttons on two faces are known, Applicants do not know a cellular phone with microphone on one face and speaker on the opposite one!

Concerning claim 18's recitation of "a cover for the set of buttons on the second face, wherein the apparatus does not include a cover for the button on the first face," Grandbert discloses a classical cover for protecting buttons of a cellular phone. A known cellular phone is a personal device. The cover has the function of protecting the buttons and preventing inadvertent actuation thereof.

By contrast, the portable apparatus of claim 18 allows use of the portable apparatus by two different persons having specific roles (recording and hearing respectively). The cover has the new function of diverting the hearing person from accessing the recording structure. Note that if the portable apparatus is used by only one person performing both

recording and hearing, the cover will be no trouble as it will operate as a classical keyboard cover.

Claims 6, 10 and 17-18 are patentable as each recites a method for operating with a portable apparatus including a housing, the housing including a first face oriented in a first direction, and a second face located opposite the first face, the second face oriented in a direction opposite the first direction, the method comprising storing a voice message in the apparatus, using a signal received from the microphone on the second face; storing a date and time in the apparatus, responsive to activation of the set of buttons on the second face, and associating the date and time with the voice message; emitting an audio signal at the date and time stored in the storing step; and subsequently, responsive to activation of the button on the first face, sending the voice message to the speaker on the first face. (Base claim 6).


Claims 11, 15, and 19-20 are patentable as each recites a portable apparatus comprising a housing including a first face oriented in a first direction, and a second face located opposite the first face, the second face oriented in a direction opposite the first direction; means for storing a voice message in the apparatus, using a signal received from the microphone on the second face; means for storing a date and time in the apparatus, responsive to activation of the set of buttons on the second face, and associating the date and time with the voice message; means for emitting an audio signal at the date and time stored by the storing means; and means, operating after the emitting means, for sending the voice message to the speaker on the first face, responsive to activation of the button on the first face. (Base claim 11).

Entry of the amendment should not present new issues requiring further search or consideration because the amendment merely addresses issues already raised by the Examiner, and incorporates limitations from cancelled dependent claims into the base claims. Applicants respectfully submit that the amendment should be entered because it places the application in condition for allowance. Alternatively, Applicants respectfully submit that the amendment should be entered because it places the application in better condition for appeal.

If the Examiner has any questions about this amendment, Applicants' representative

would appreciate discussing this Amendment with the Examiner. Applicants' representative, Jerome Jackson, can be reached at 703-684-4840.

Respectfully submitted,


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